

**REMARKS****Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1-6 were rejected by the Examiner under 35 U.S.C. §103(a) as being over Guziak et al. (U.S. Pat. No. 6,162,216). However, the Guziak et al. reference fails to disclose several features of the claimed invention. In particular, the reference fails to teach a distal interface pod that receives the electrical power from the power source and transmits the power to the electrosurgical tool. The Examiner contends that the impedance sensor (48) meets the requirements of the distal interface pod of the present invention. However, the claims require the distal interface pod to receive the electrical power from the power generator and to transmit the received power to the electrosurgical tool. The impedance sensor (48) of Guziak et al. does not receive electrical power from the power generator and does not transmit power to the electrosurgical tool as required by the present claims.

New claim 79 has been added to further define the frequencies suitable for electrosurgical, namely a frequency of not less than 3.4 MHZ and not more than 10 MHZ. Claim 5 has been amended to call for a frequency of not more than about 8 MHZ. None of these power frequency features are taught by the Guziak et al. which discloses a frequency of between 200 Khz and 3 Mhz.


Claims 7-11 and 52-78 were rejected by the Examiner under 35 U.S.C. §103(a) as being over Guziak et al. in view of Rosenstock et al. (U.S. Pat. No. 6,458,121). However, the rejected claims depend directly or indirectly from claim 1 and Guziak et al. does not suggest the features of claim 1. Moreover, Rosenstock et al. does not teach

the features which Guziak et al fails to teach, so the combined teachings of these reference also fail to suggest the claimed invention.

### Conclusions

The applicants believe that the pending claims define patentable subject matter and respectfully request reconsideration and an early allowance thereof.

Respectfully submitted,

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